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COMMUNICATIONS LLC
9

10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION
11

12 ENTROPIC COMMUNICATIONS,
13 LLC,

14 Plaintiff,

15 v.

16 COX COMMUNICATIONS, INC.;
17 COXCOM, LLC; AND COX
COMMUNICATIONS
CALIFORNIA, LLC,

18 Defendants,
19

20 COX COMMUNICATIONS, INC.;
21 COXCOM, LLC; AND COX
COMMUNICATIONS
22 CALIFORNIA, LLC,

23 Counter-Claimants,

24 v.

25 ENTROPIC COMMUNICATIONS,
26 LLC; MAXLINEAR, INC.; AND
MAXLINEAR COMMUNICATIONS
LLC,

27 Counter-Defendants.
28

Case No. 2-23-cv-01049-JWH-KES
(Lead Case)

**COUNTER-DEFENDANTS
MAXLINEAR, INC. AND
MAXLINEAR
COMMUNICATIONS LLC'S
APPLICATION FOR LEAVE TO
FILE UNDER SEAL REPLY IN
SUPPORT OF MOTION TO
DISMISS AMENDED
COUNTERCLAIMS BY COX
COMMUNICATIONS, INC.,
COXCOM, LLC, AND COX
COMMUNICATIONS
CALIFORNIA, LLC**

Judge: Hon. John W. Holcomb

Hearing:

Date: March 29, 2024
Time: 9:00 a.m.
Place: Courtroom 9D, Santa Ana

Pursuant to Local Rule 79-5.2.2(a) governing documents to be filed under seal, Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC (collectively, “MaxLinear”) hereby submit their Application for Leave to File Under Seal a Reply in Support of MaxLinear’s Motion to Dismiss Amended Counterclaims by Cox Communications, Inc., CoxCom, LLC, and Cox Communications California, LLC (collectively, “Cox”).

MaxLinear seeks leave to file under seal highlighted portions of MaxLinear’s Reply that quote from or reference Exhibit A to Cox’s Amended Answer and Counterclaims (ECF No. 87-1), which includes information regarding a license agreement for Data Over Cable Service Interface Specifications (“DOCSIS”) executed by MaxLinear, Inc., and (2) Ex. 1 (ECF No. 236) to MaxLinear’s Request for Judicial Notice (ECF No. 222), which is a Patent Purchase Agreement executed by MaxLinear and Plaintiff Entropic Communications, LLC that has been designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” The Court granted Cox’s motion to file Exhibit A under seal (ECF No. 81) and MaxLinear’s motion to file Exhibit 1 under seal (ECF No. 232).

Document to be sealed	Portions to be sealed (page:line(s))
Portions of MaxLinear’s Reply in Support of Motion to Dismiss that quote from or reference Exhibit A to Cox’s Amended Answer and Counterclaims (ECF No. 87-1) and the Patent Purchase Agreement executed by MaxLinear and Entropic Communications, LLC previously filed as Ex. 1 (ECF No. 236) to MaxLinear’s Request for Judicial Notice (ECF No. 222).	8:8-9; 9:20-21; 9:25-10:3; 10:12-16; 10:19-21; 10:24-27; 11:7-10; 15:3-4

Pursuant to Local Rule 79-5.2.2(a), MaxLinear applies to file under seal the document listed above. Under Rule 79-5.2.2(a), a party may seek leave to file a document under seal so long as the Application describes the nature of the information that should be closed to public inspection and is accompanied by: (1) a declaration establishing good cause why the strong presumption of public access in civil cases should be overcome and informing the Court whether anyone opposes the Application; (2) a proposed order; (3) a redacted version of the relevant documents; and (4) an unredacted version of the relevant documents. MaxLinear has complied with these requirements. The information that MaxLinear seeks to seal is contained within (1) an agreement between MaxLinear, Inc. and a third-party entity, which the Court granted leave to Cox to file under seal (ECF No. 81); and (2) a confidential agreement between MaxLinear, Inc. and Entropic Communications, LLC (ECF No. 236). The public does not have an interest in accessing this confidential information. Additionally, MaxLinear's request is narrowly tailored to only prevent the public from viewing confidential information. Finally, Entropic does not oppose MaxLinear's under seal filing.

Therefore, compelling reasons exist to seal the highlighted portions of the above documents. *See Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, No. 17cv205-MMA (MDD), 2020 WL 1911502, at *5 (S.D. Cal. Apr. 20, 2020) ("The Court agrees that compelling reasons exist to seal references . . . to Defendants' proprietary business records that detail sensitive financial terms, proprietary business strategies, and confidential negotiations and agreements with third parties."); *In re Qualcomm Litig.*, No. 3:17-CV-00108-GPC-MDD, 2019 WL 1557656, at *3 (S.D. Cal. Apr. 10, 2019) (granting motions to seal "confidential business information of the parties, including trade secrets, proprietary business records, discussions of internal strategy, company dealings, and materials designated as 'Highly Confidential'").

1 MaxLinear respectfully requests that this Court order the unredacted
 2 document to be filed under seal. Redacted and unredacted versions of the Reply in
 3 Support of MaxLinear's Motion to Dismiss Cox's Amended Counterclaims are
 4 filed herewith. This Application is accompanied by a Declaration of Rose S. Lee
 5 and a Proposed Order.

6 Dated: March 15, 2024

MORRISON & FOERSTER LLP

7 By: /s/ Rose S. Lee
 8 Rose S. Lee

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